

## Message Text

UNCLASSIFIED

PAGE 01 CANBER 02583 070828Z  
ACTION EB-08

INFO OCT-01 EA-12 ISO-00 COME-00 STR-07 TRSE-00  
CIAE-00 INR-10 NSAE-00 ITC-01 L-03 AGRE-00 OMB-01  
H-02 CTME-00 /045 W  
-----033968 080539Z /14

R 070657Z APR 78  
FM AMEMBASSY CANBERRA  
TO SECSTATE WASHDC 2905  
INFO AMCONSUL BRISBANE

UNCLAS CANBERRA 2583  
E.O.11652: N/A  
TAGS: ETRD, AS  
SUBJ: TARIFF ON SPRINKLERS: NELSON IRRIGATION CORP.

REF: STATE 077409

1. SUMMARY: AFTER MORE THAN TWO MONTHS OF EFFORT, EMBASSY WITH ASSISTANCE OF CONSULATE BRISBANE HAS FINALLY OBTAINED A CLEAR PICTURE OF NELSON IRRIGATION IMPORT STATUS. EMBASSY BELIEVES THAT PAINFULLY SLOW PROCESS OF ELICITING INFORMATION HAS LARGELY BEEN WASTED EFFORT AND REQUESTS GUIDANCE FROM DEPARTMENT AS TO WHAT IF ANY ACTION NELSON IRRIGATION WISHES EMBASSY TO UNDERTAKE ON ITS BEHALF. END SUMMARY.

2. EMBASSY UNDERSTANDS FROM REFTEL THAT BY-LAW ABOUT WHICH NELSON HAS BEEN VOICING ITS CONCERN WAS THAT FOR SPRINKLER HEADS, NOT THAT FOR CENTER-PIVOT IRRIGATION SPRINKLERS. NELSON'S CUSTOMERS OR AGENTS, I.E. LINDSEY GOODWIN OF TRAILCO AND MR. LOESKOW OF AVOKOH, CONFIRM INFORMATION PROVIDED REFTEL BY BOB RUPAR OF NELSON THAT SPRINKLER HEAD BY-LAW CONTINUES TO BE IN EFFECT. MOREOVER, GOODWIN KNOWS OF NO MOVE TO REVOKE BY-LAW AT PRESENT. LOESKOW OF AVOKAH SEEMS LIKELY TO HAVE BEEN SOURCE OF NELSON IRRIGATION'S ORIGINAL DISTRESSED ASSERTION THAT REQUEST HAD BEEN MADE FOR IMPOSITION OF 26 PERCENT DUTY. HE NOW STATES THAT HE HAD "RELIABLE"  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 CANBER 02583 070828Z

INFORMATION THAT SOUTHERN CROSS WAS GOING TO REQUEST BY-LAW REPEAL COVERING ALL THREE NELSON SPRINKLERS IN JANUARY, BUT HELD OFF FOR SOME UNKNOWN REASON. HE EXPECTS SOUTHERN CROSS TO MOVE SOON.

3. LOESKOW ALSO STATES THAT EQUIPMENT IS ENTERING AUTOMATICALLY UNDER BY-LAW WITH NO SEPARATE APPLICATIONS FOR INDIVIDUAL

SHIPMENTS. THIS MAY REFLECT FACT THAT THIS IS DIFFERENT BY-LAW FROM THAT WHICH EMBASSY WAS SPEAKING TO CUSTOMS BY-LAW BRANCH ABOUT, I.E. FOR CENTER-PIVOT IRRIGATION SPRINKLERS, OR IT MAY REFLECT AN ERROR ON PART OF CUSTOMS. IN ANY EVENT, IT IS TO NELSON'S ADVANTAGE.

4. IN VIEW OF HISTORY OF REVOCATION OF BY-LAW FOR CENTERPIVOT IRRIGATION SPRINKLERS, I.E. THAT REVOCATION WAS INITIATED BY CUSTOMS BY-LAW BRANCH AND NOT BY LOCAL MANUFACTURERS, EMBASSY AGREES FULLY WITH CONCERN EXPRESSED BY ROB RUPAR OF NELSON IRRIGATION THAT INQUIRIES ON HIS BEHALF MAY CALL ATTENTION TO IMPORTS FROM NELSON AND BRING ABOUT THE CHANGE IN THE BY-LAW.

5. BOTH GOODWIN OF TRAILCO AND LOESKOW OF AVOKAH HAVE INDICATED THAT REVOCATION OF BY-LAW WOULD SERIOUSLY AFFECT THEM AND POSSIBLY PUT THEM OUT OF BUSINESS (BY-LAWS ON SPRINKLER HEADS APPLIES, INCIDENTALLY, TO ALL SPRINKLER HEADS, INCLUDING HEADS FOR THE ONE OF THREE NELSON SPRINKLERS WHICH HAS BEEN COPIED BY SOUTHERN CROSS). AS EXPLAINED IN PREVIOUS EMBASSY REPORTING, HOWEVER, SOLE QUESTION WITH RESPECT TO BY-LAW IS WHETHER OR NOT "SUITABLE EQUIVALENT" PRODUCT IS "REASONABLY AVAILABLE." EMBASSY'S SUGGESTION, THEREFORE, WOULD BE FOR NELSON AND ITS AGENTS TO PREPARE NOW AND HOLD IN READINESS A SUBMISSION TO CUSTOMS BY-LAW BRANCH SEEKING TO ESTABLISH THAT SOUTHERN CROSS SPRINKLER IS NOT SUITABLY EQUIVALENT OR REASONABLY AVAILABLE. IDEALLY, THIS SUBMISSION SHOULD ESTABLISH, IF SUCH CASE CAN BE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 CANBER 02583 070828Z

MADE, THAT THE SOUTHERN CROSS EQUIPMENT COULD NOT BE SUBSTITUTED FOR NELSON IRRIGATION EQUIPMENT. IF SUBSTITUTION IS POSSIBLE, EVEN THOUGH WITH LOSS IN EFFICIENCY, THEN IT IS UNLIKELY A REVOCATION OF BY-LAW COULD BE SUCCESSFULLY CHALLENGED.

6. EMBASSY'S SECOND SUGGESTION WOULD BE THAT NELSON HAVE ITS AGENTS PREPARE TO PETITION DEPARTMENTS OF BUSINESS AND CONSUMER AFFAIRS AND PRIMARY INDUSTRY FOR REVIEW BY INDUSTRIES ASSISTANCE COMMISSION OF LEVELS OF ASSISTANCE TO IRRIGATION PRODUCTS IF BY-LAW IS REVOKED AND EFFORTS TO HAVE IT REINSTATED ARE UNSUCCESSFUL. A SERIOUS REVIEW BY IAC IS LIKELY TO FIND THAT IMPORTANCE OF LOWER DUTY SPRINKLER IMPORTS FOR AUSTRALIAN AGRICULTURE FAR OUTWEIGHS INTERESTS OF ONE OR TWO SPRINKLER MANUFACTURERS WHOSE OUTPUT IS LIMITED IN TYPE. EMBASSY WOULD BE PLEASE TO CONSULT WITH LOCAL AGENTS IF MATTERS REACH THIS STAGE.

7. FINALLY, IN VIEW OF FACT THAT BY-LAW REMAINS IN EFFECT, NO REQUEST HAS BEEN MADE FOR ITS WITHDRAWAL, AND BOTH EMBASSY AND NELSON AGREE THAT EMBASSY ENQUIRIES TO BY-LAW BRANCH WOULD FOCUS UNDESIRE ATTENTION ON EXISTENCE OF BY-LAW, EMBASSY REQUESTS GUIDANCE AS TO WHAT, IF ANY, ACTION NELSON

IRRIGATION WANTS EMBASSY TO UNDERTAKE ON ITS BEHALF.  
ALSTON

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EQUIPMENT, IRRIGATION, TARIFFS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978CANBER02583  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780152-0066  
**Format:** TEL  
**From:** CANBERRA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780482/aaaacrqz.tel  
**Line Count:** 118  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** e5a6d4b4-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EB  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 STATE 77409  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 29 mar 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3045446  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** TARIFF ON SPRINKLERS: NELSON IRRIGATION CORP.  
**TAGS:** ETRD, AS  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/e5a6d4b4-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014